

ESTTA Tracking number: **ESTTA681935**

Filing date: **07/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	ATI Technologies ULC
Granted to Date of previous extension	07/05/2015
Address	700 2nd Street SW, Suite 1200 CALGARY, AB T2P 4V5 CANADA
Attorney information	Belinda J. Scrimenti Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 200 South Wacker Drive, Suite 2900 Chicago, IL 60606 UNITED STATES bscrimenti@pattishall.com, jmk@pattishall.com, sm@pattishall.com, kep@pattishall.com Phone:312-554-8000

Applicant Information

Application No	86167885	Publication date	01/06/2015
Opposition Filing Date	07/06/2015	Opposition Period Ends	07/05/2015
Applicant	entegra technologies, inc. 6860 N. Dallas Parkway Plano, TX 75024 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0</p> <p>All goods and services in the class are opposed, namely: Computers; tablet computers; desktop computers; tabletop computers; panel mount computers; mobile computers; computer hardware and computer peripherals; wireless computer peripherals; mobile communications modules and sensors for use with computers and tablet computers; electronic docking stations; computer docking stations; batteries and battery chargers; vehicle mount solutions, namely, mounting devices for computers and tablet computers; computer software, namely, computer operating system software, computer application software for accessing and interacting with enterprise business systems and customer proprietary systems for general purpose data entry into database or spreadsheet applications, data retrieval systems, and internet web browsing systems; computer utility software</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0</p> <p>All goods and services in the class are opposed, namely: Consulting services in the field of design, engineering, testing, certification, quality control, selection, implementation and use of computer hardware and software systems for others</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3319980	Application Date	05/04/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	CROSSFIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/10/31 First Use In Commerce: 2005/10/31 Semiconductors, circuit boards, peripheral graphics boards, and driver software for operating the foregoing, all for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback		

Attachments	78622982#TMSN.png(bytes) ATI v Entegra - Notice of Opposition, Serial No 86167885.pdf(15157 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Belinda J. Scrimenti/
Name	Belinda J. Scrimenti
Date	07/06/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 86/167,885: ENTEGRA CROSSFIRE (stylized)

ATI TECHNOLOGIES ULC,)	
)	
Opposer,)	
)	
v.)	Opposition. No. _____
)	
ENTEGRATECHNOLOGIES, INC.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

ATI Technologies ULC (“ATI”), an Alberta, Canada Unlimited Liability Corporation located and doing business at 700 2nd Street SW, Suite 1200, Calgary, Alberta, T2P 4V5, Canada, believes it will be damaged by registration of the mark shown in Application Serial No. 86/167,885, and hereby opposes the same. ATI and its predecessors in interest are hereinafter referred to as “Opposer.”

The grounds for the opposition are as follows:

1. Since long before the filing date of Applicant’s application, Opposer itself, and through its parent company, Advanced Micro Devices, Inc. (“AMD”), has for many years manufactured, distributed, advertised, and sold semiconductors, circuit boards, graphics boards for computers, and related software for use with computer applications with high-end visual graphics and video such as gaming, animation, or playback under the trademark CROSSFIRE.

2. Opposer has registered the mark CROSSFIRE in the United States Patent and Trademark Office (“USPTO”), Reg. No. 3,319,980, issued on October 23, 2007, for “semiconductors, circuit boards, peripheral graphics boards, and driver software for operating the

foregoing, all for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback.” On September 26, 2013, the USPTO accepted Opposer’s Section 8 and 15 Declaration, and thus Opposer’s CROSSFIRE mark has attained incontestable status.

3. Opposer’s computer hardware and software sold under the mark CROSSFIRE are used for and heavily promoted in connection with a variety of computer products and computing technology applications, in particular as technology applications which can combine up to four graphics processors to speed up the rendering of 3D graphics for heavy graphics-oriented computer uses.

4. Opposer has sold millions of dollars worth of products under the mark CROSSFIRE throughout the United States and has spent substantial sums of money advertising and promoting the mark and associated products throughout the United States.

5. By virtue of these extensive sales, advertising, and promotions, Opposer now owns valuable goodwill symbolized by its CROSSFIRE mark.

6. On January 16, 2014, Applicant filed an intent-to-use application to register the mark ENTEGRA CROSSFIRE (stylized), Serial No. 86/167,885 (hereinafter “ENTEGRA CROSSFIRE”) for:

Computers; tablet computers; desktop computers; tabletop computers; panel mount computers; mobile computers; computer hardware and computer peripherals; wireless computer peripherals; mobile communications modules and sensors for use with computers and tablet computers; electronic docking stations; computer docking stations; batteries and battery chargers; vehicle mount solutions, namely, mounting devices for computers and tablet computers; computer software, namely, computer operating system software, computer application software for accessing and interacting with enterprise business systems and customer proprietary systems for general purpose data entry into database or spreadsheet applications, data retrieval systems, and internet web browsing systems; computer utility software in International Class 9.

Consulting services in the field of design, engineering, testing, certification, quality control, selection, implementation and use of computer hardware and software systems for others in International Class 42.

7. Upon information and belief, Applicant had no basis for claiming rights in CROSSFIRE prior to the filing date of the opposed application.

8. Applicant's proposed use of and application to register the mark ENTEGRA CROSSFIRE are without Opposer's consent.

9. Applicant's proposed use of and application to register ENTEGRA CROSSFIRE are likely to result in confusion, mistake, or deception with Opposer's CROSSFIRE mark, or in the belief that Applicant or its ENTEGRA CROSSFIRE goods are in some way connected with, licensed or approved by Opposer, or that Opposer is a sponsor, business partner of, or otherwise affiliated with Applicant.

WHEREFORE, registration by Applicant of ENTEGRA CROSSFIRE for all the goods and services in both Classes 9 and 42 stated in Application Serial No. 86/167,885 would be damaging to Opposer.

Opposer submits the requisite filing fee of \$600 for opposition in two classes. Please address all correspondence to Belinda J. Scrimenti, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 200 South Wacker Drive, Suite 2900, Chicago, Illinois 60606.

Dated: July 6, 2015

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /Belinda J. Scrimenti /

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Attorneys for ATI Technologies ULC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Notice of Opposition** was served upon
Applicant's counsel on July 6, 2015, via first class mail, at the following address:

Jerry C. Harris, Jr.
Conley Rose, P.C.
5601 Granite Parkway, Suite 500
Plano, Texas 75024

/Belinda J. Scrimenti/